REMARKS

In the Office Action dated November 8, 2005, claims 1-53 were rejected under § 102 over U.S. Patent Application Publication No. 2001/0006519 (Voit).

SUMMARY OF INTERVIEW

On February 3, 2006, a telephonic interview was conducted between the undersigned and the Examiner to discuss the cited prior art reference, Voit (U.S. Patent Application Publication No. 2001/0006519). No specific claims were discussed in the telephonic interview. No exhibits were discussed.

In the telephonic interview, the undersigned pointed out to the Examiner that the cited reference, Voit, is *identical* to U.S. Patent No. 6,539,015 applied in the Office Action of August 2, 2004. Note that the current Voit reference is the *publication* of the previously cited U.S. Patent No. 6,539,015.

The Examiner indicated that he will consider withdrawing the Office Action and issuing a new Office Action.

On February 8, 2006, another telephonic interview was conducted between the undersigned and the Examiner as a follow-up to the interview of February 3, 2006. Although the Examiner acknowledged that the present Voit reference is the same as U.S. Patent No. 6,539,015, the Examiner indicated that he has "re-interpreted" Voit in the current rejection of the claims over Voit.

No agreement was reached regarding allowability of the claims.

REJECTION UNDER 35 U.S.C. § 102

In response to Applicant's previous arguments (in the Amendment mailed Dec. 1, 2004) against the rejection of the claims over U.S. Patent No. 6,539,015, the Examiner *withdrew* the rejection (even though independent claims 1 and 15 were not amended). *See* 3/25/2005 Office Action at 2. Although independent claims 1 and 15 were later amended (in the Amendment mailed on October 14, 2005), the 10/14/2005 Amendment added the following words to each of independent claims 1 and 15: "corresponding to plural servers."

Therefore, the same arguments that Applicant raised in the 12/1/2004 Amendment against the rejection over U.S. Patent No. 6,539,015 are applicable against the rejection over the presently cited Voit reference.

It is respectfully requested that the rejection over Voit be withdrawn, since the Examiner has already considered the arguments and found them persuasive.

It is respectfully submitted that independent claim 1 is not anticipated by Voit. Claim 1 recites a method that includes retrieving a set of IP *routes* linking server IP addresses (assigned to a single domain name) and a client IP address, and selecting an *IP route* from the set of routes which meets predetermined criteria.

The meaning of "IP route" refers to a route between at least two IP addresses. Thus, the reference in claim 1 to retrieving a set of IP routes means retrieving information including at least two IP addresses for each IP route in the set. In the context of claim 1, the retrieved IP routes each includes a respective one of the server-IP addresses and the client IP address.

In contrast, in Voit, the DNS server uses either a translation table or a routing control record (RCR) to retrieve a destination IP address. Voit, ¶¶ [0117]-[0123]. Voit contemplates one of two techniques for obtaining the destination IP address in response to a query received by the DNS server. The first technique involves accessing the translation table based on a domain name to translate the domain name into an IP address. Voit, ¶ [0119]. This first technique involves a one-to-one translation between domain name and IP address. Thus, this first technique cannot satisfy the acts of claim 1 that include retrieving a set of IP routes (note plural sense), and selecting an IP route from the set of IP routes.

A second technique described by Voit involves customers who have subscribed to conditional analysis type of processing. Voit, ¶ [0120]. For such customers, the translation table maps a domain name to a pointer to a routing control record (RCR) 81 (instead of mapping a domain name to an IP address as performed with the first technique). Voit, ¶ [0120]. The RCR specifies a set of conditions or criteria and two or more alternate destinations, depending on which criteria are satisfied by a current call or translation request query. Voit, ¶ [0122]. The example provided by Voit is that the RCR may specify alternate destination addresses for different times or for different addresses of the terminal that requested the translation. Voit, ¶ [0122]. However, although the second technique refers to mapping a domain name to two or more alternate destination IP addresses, there is no indication of "retrieving a set of *IP routes* linking the server IP addresses and client IP address" as recited in claim 1. Retrieving destination IP addresses is not the same as retrieving a set of IP routes, as recited in claim 1.

Rather than cite to specific passages of the Detailed Description section of Voit, the present Office Action chose instead to cite to claims 15 and 20 of Voit as disclosing the subject matter of the claim. The claims do not provide any teaching that is different from the teaching of the Detailed Description section of Voit. Claim 15 of Voit recites a telecommunications system having an intelligent domain name server system that has "means capable of producing at least two different Internet Protocol (IP) addresses for use in establishing routing responsive to a single domain name address query." Claim 20 of Voit recites a domain name server having "means capable of producing a selected plurality of at least two different Internet Protocol (IP) addresses for use in establishing routing responsive to a single domain name address query based on a predetermined criteria." Both claims 15 and 20 of Voit are consistent with the teachings of the Detailed Description section of Voit, which teaches the selection of IP addresses, rather than retrieving IP routes as recited in claim 1 of the present application.

In view of the foregoing, it is respectfully submitted that claim 1 is clearly not anticipated by Voit. Independent claims 15 and 25 of the present application are similarly allowable over Voit.

Dependent claims are allowable for at least the same reasons.

With respect to some of the dependent claims, the Examiner argued that the further recited features are "inherent" in Voit. However, it is respectfully submitted that no objective evidence has been provided to establish that the recited features of such claims are inherent. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." M.P.E.P. § 2112 (8th ed., Rev. 3), at 2100-57 (emphasis in original). Except for a simple conclusory statement that the recited features are "inherent," the Office Action has not provided the required "basis in fact and/or technical reasoning" to support the inherency rejection.

With respect to dependent claim 4, the Office Action stated that "using a BGP protocol" is an "inherent feature of router." 11/8/2005 Office Action at 6. It is respectfully submitted that a use of BGP protocol is clearly not a *necessary* feature of a router. Therefore, the statement that the BGP protocol is an inherent feature of a router is factually incorrect.

Therefore, it is respectfully submitted that the Office Action has failed to establish the rejection of claim 4 based on inherency.

Similarly, with respect to dependent claims 5, 6, and 17-19, the Office Action has also failed to establish that the recited features of those claims are inherently part of the system of Voit.

With respect to claim 7, the Office Action stated that selecting an IP route from the set of IP routes that has a shortest AS path is also an "inherent feature of routers." There is clearly no support for this statement. In fact, Voit directly contradicts this statement, since Voit teaches that the RCR can specify a set of conditions or criteria, in which alternate destination addresses for *different times* can be specified, or different addresses of a terminal that requested the translation can be specified. Voit, ¶ [0122]. Voit also describes determining whether a primary destination terminal is "live" or not "live." Voit, ¶ [0136]-[0137]. A primary destination address is selected if the primary destination terminal is live, but an alternate destination address is selected if the primary destination terminal is not live. Thus, selection of IP addresses in Voit can be based on different times, the terminal that originated the request, or a determination of whether a destination terminal is live. There is absolutely no indication of selecting an IP route from a set of IP routes that has a shortest AS path.

With respect to dependent claim 8, the statement in the Office Action that selecting the IP route from the set that has a lowest origin type is an inherent feature of routers is also factually incorrect. Although Voit teaches selecting IP addresses based on various criteria, there clearly is no teaching (inherent or otherwise) of selecting an IP route that has a lowest origin type. Similarly, with respect to dependent claim 9, there is absolutely no teaching (inherent or otherwise) of selecting an IP route that has a lowest MED. Also, with respect to dependent claim 10, there is no teaching in Voit (inherent or otherwise) of selecting an IP route that is set equal to a default IP address.

Dependent claims 20-23 are allowable over Voit for similar reasons as claims 7-10.

With respect to dependent claim 30 (which depends indirectly from claim 1), the Office Action cited ¶ [0055] of Voit as disclosing selecting an IP route to the server associated with a shortest path from the client. Paragraph [0055] of Voit describes prior art IP multicast algorithms in which multicast packets are initially broadcast to all subnetworks on a least-cost

spanning tree. However, there is absolutely no teaching in Voit that the IP multicast algorithm is used by the system according to the purported invention of Voit. In fact, Voit specifically notes that the IP multicast schemes have various drawbacks. *See* Voit, ¶ [0058]-[0063]. Voit actually teaches a technique that is completely different from the multicast schemes Voit criticized in its Background section. Voit discusses selection of IP addresses by a DNS based on different times, based on the terminal that requested the translation, or based on whether the primary destination terminal is live or not. There is absolutely no teaching whatsoever in Voit of selecting an IP route to the server associated with a shortest path from the client.

With respect to dependent claim 33 (which depends indirectly from claim 1), the Office Action cited ¶ [0111] of Voit as disclosing the recited subject matter. 11/8/2005 Office Action at 6. The cited passage of Voit describes storing a series of databases in the DNS system 51, where the databases include look-up tables for direct translations of names to addresses and routing control records for conditional, as well as parallel processing of requests. However, there is nothing in this cited passage to even remotely hint that Voit performs the following task: prior to retrieving the set of IP routes, checking a database in a cache to find an IP route entry containing an IP route previously indicated as being a best IP route, and in response to finding the IP route entry in the cache, using the IP route previously indicated as being the best IP route as the selected IP route.

With respect to dependent claim 34 (which depends from claim 33), the cited passage ¶ [0111] of Voit also does not disclose retrieving the set of IP routes from the IP routes database *in response to determining that the IP route entry is not present in the cache.*

With respect to dependent claim 35 (which depends indirectly from claim 1), the cited passage of Voit, ¶ [0111], clearly does not disclose accessing a field in a record to indicate one of plural techniques for downloading IP routes from routers to the DNS server, and based on the technique identified by the field, establishing one or more sessions with the routers to download IP routers into an IP routes database in the DNS server.

Dependent claim 41 (which depends from claim 15) and claim 52 (which depends from claim 25) are allowable over Voit for similar reasons as claim 30. Claim 44 (which depends indirectly from claim 15) and claim 49 (which depends from claim 25) are allowable over Voit for similar reasons as claim 35.

Moreover, with respect to claim 3, there is no teaching by Voit that retrieving the set of IP routes is from an IP routes database. What is taught by Voit is either a translation table (that performs one-to-one mapping between a domain name and a destination IP address) or the RCR (that performs mapping between a domain name and two or more alternate destination IP addresses). Neither the translation tables nor the RCR of Voit can constitute an IP routes database that contains a set of IP routes.

Claim 12, which depends from claim 1, recites storing the IP routes in an IP routes database. Claim 12 is allowable for reasons similar to those as claim 3.

With respect to claim 13, which depends from claim 1, the Office Action made a conclusory statement that Voit discloses the recited enhanced address resource record, which includes a domain name, a list of corresponding servers and routers, router retrieval parameters, a default client/server route, and timeouts. The Office Action did not cite to any passage of Voit as disclosing this feature. It is clear that the translation tables 77 and RCRs 81 do not contain any of the following information: router retrieval parameters, a *default* client/server route, timeouts.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10006946-1).

Respectfully submitted,

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